

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ADRIAN HARRIS,

Plaintiff,

v.

COOPER B-LINE, INC., MACHINISTS NO. 9
and WAYNE HENZE,

Defendants.

Case No. 13-cv-440-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on defendant District 9 of the International Association of Machinists and Aerospace Workers' ("Machinists No. 9") motion to dismiss Count I for failure to exhaust administrative remedies (Doc. 33) and defendant Wayne Henze's motion to dismiss Count II on the grounds of preemption or failure to state a claim (Doc. 40). Pursuant to Local Rule 7.1(c), plaintiff Adrian Harris' responses were due 30 days after the motions to dismiss were filed, but 30 days have passed and Harris has not responded. The Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion. Local Rule 7.1(c). The Court hereby **ORDERS** Harris to **SHOW CAUSE** on or before January 3, 2014, why the Court should not construe his failure to timely respond to the motions to dismiss as admissions of the merits of the motions and dismiss Counts I against Machinists No. 9 and Count II against Henze. Failure to respond in a timely manner to this order may result in dismissal of this action for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995).

IT IS SO ORDERED.

DATED: December 16, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE